

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
)  
Dow *et al.* ) Group Art Unit: 2622  
)  
Serial No.: not yet assigned ) Examiner: not yet assigned  
)  
Filed: December 17, 2001 ) Docket No.: 10980473-6  
)  
For: APPLIANCE AND METHOD OF )  
USING SAME HAVING A DELETE) CAPABILITY FOR SAVED DATA )

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In regard to the above-referenced application, the Applicants submit the following preliminary amendment and remarks to be respectively entered and considered prior to examination.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Company's Deposit Account No. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 01/29/02.

Gloria Simmons  
Signature

## AMENDMENTS

### In the Specification

- A. Instruction: Replace the second paragraph of the “SUMMARY OF THE INVENTION” beginning on page 4 of the originally filed application with this clean version below pursuant to 37 C.F.R. § 1.121.

To achieve the novel features and advantages, the present invention is generally directed to a portable hand-held image capture and communication appliance, which, as a non-limiting example, may be a digital camera, and method of using same by which images may be captured via capturing means and saved in an internal memory. The appliance includes a processor for manipulating and exhibiting the images on a built-in display screen. Program code stored in the internal memory and executed by the processor includes a delete page module for purging the memory of captured images when they are no longer needed.

## REMARKS

Applicants wish to point out to the Examiner that the claims of the above referenced application are drawn to a “digital camera,” which Applicants submit is fully supported by the specification, as detailed below.

The above referenced application is a divisional of copending U.S. Utility Application entitled, “*APPLIANCE AND METHOD OF USING SAME HAVING A DELETE CAPABILITY FOR SAVED DATA*,” (Docket No. 10980473-5) having serial number 09/588,944 (hereinafter “the ‘944 application”), filed June 7, 2000, which is

entirely incorporated herein by reference to the above referenced application. The '944 application is itself a divisional application of an application that has since issued as U.S. Patent No. 6,292,273 B1 (hereinafter "the '273 patent"), which also is entitled, *"APPLIANCE AND METHOD OF USING SAME HAVING A DELETE CAPABILITY FOR SAVED DATA."* The '944 application and the '273 patent both include claims drawn to an "image capture and communication appliance," which Applicants contend covers, among other things, a digital camera.

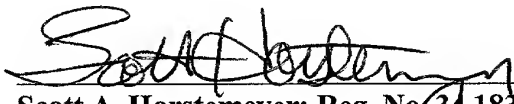
Support for construing the "image capture and communication appliance" as covering, among other things, a digital camera is found on page 15 of the '944 application, which describes that the invention may be implemented in a "digital camera." Identical support is found in the '273 patent at column 10, lines 50-62. Furthermore, in compliance with 37 C.F.R. § 1.83, a digital camera is depicted in FIG. 2 of both the '944 application and the '273 patent. Therefore, it is evident that the claimed "image capture and communication appliance" indeed covers, among other things, a digital camera, which is properly supported by the specification and drawings.

Even though Applicants contend that the claims of the '944 application and the '273 patent cover a digital camera, Applicants have filed the above referenced application in an effort to further clarify and define the invention as specifically covering a digital camera. Furthermore, Applicants have included the above amendment to the Summary of the Invention to further clarify that the invention does indeed cover digital cameras. Because the above referenced application claims priority to and incorporates the aforementioned '944 application by reference, it has proper support for claiming a digital camera and does not introduce new matter. Moreover, the amendment to the Summary of the Invention set forth above also does not introduce new matter for the same reasons.

Favorable action in regard to the application is earnestly solicited.

Respectfully submitted ,

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## APPENDIX A

### Version with Markings to Show Changes Made.

The SUMMARY OF THE INVENTION is amended as indicated below by deleting the text within brackets (“[ ]”) and inserting the text that is underlined (“\_\_”).

- A. Second paragraph under the heading “SUMMARY OF THE INVENTION” beginning on page 4 of the originally filed application:

To achieve the novel features and advantages, the present invention is generally directed to a portable hand-held image capture and communication appliance, which, as a non-limiting example, may be a digital camera, and method of using same by which images may be captured via capturing means and saved in an internal memory. The appliance includes a processor for manipulating and exhibiting the images on a built-in display screen. Program code stored in the internal memory and executed by the processor includes a delete page module for purging the memory of captured images when they are no longer needed.